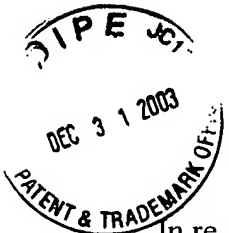


RCE/3641  
#5



no

PATENT

ATTORNEY DOCKET NO.: 046124-5114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7/Ext+29RCE  
1/13/4

In re Application of:

Masatoshi FUJIMOTO et al.

Application No.: 10/076,273

Filed: February 19, 2002

For: RADIOISOTOPE GENERATING  
APPARATUS

Group Art Unit: 3641

Examiner: J. Richardson

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop RCE  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

RECEIVED  
JAN 07 2004  
GROUP 3600

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

- ☐ Previously submitted:
- ☐ Please consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered).
  - ☐ Please consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
- ☒ Enclosed:
- ☐ Supplemental Reply
  - ☒ Declaration Under 37 C.F.R. § 1.132
  - ☒ Information Disclosure Statement
  - ☒ PTO Form 1449 (with 21 references attached)
  - ☒ Other: Response and Request for Reconsideration Filed with RCE under 37 C.F.R. §1.114

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01 FC:1801 770.00 DA  
02 FC:1252 420.00 DA

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required) ,
- ☐ Other: \_\_\_\_\_.

3. Fees Calculation

- (a) RCE Fee required under 37 C.F.R. § 1.17(e)  
☒ \$770.00  
☐ \$385.00 (for small entity)

(b) Additional Claims

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	2	minus	20	0	x \$18 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$84 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

(c) Extension of Time

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Because a Notice of Appeal was filed on September 5, 2003 in this application, a two-month extension is required to extend the period for response to January 5, 2004. If an additional extension of time is required, please consider this a Petition therefor.

4. Additional Papers Enclosed:

- ☒ Verified Translation of Japanese Patent Application No. 234169/1999

5. Fee Payment

- ☐ Enclosed is a check in the amount of \$\_\_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge the Deposit Account No. 50-0310 in the amount of \$1,190.00 representing \$770.00 for the RCE filing fee and \$420.00 for the two-month extension of time fee.

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN LEWIS & BOCKIUS LLP**

Dated: December 31, 2003

By:



Paul A. Fournier  
Reg. No. 41,023

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